



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,834	01/23/2002	Robert George Emberty	TUC920010107US1	7781

7590 09/13/2004  
Dale F. Regelman  
LAW OFFICE OF DALE F. REGELMAN  
4231 S. FREMONT AVENUE  
Tucson, AZ 85714

EXAMINER
----------

KLIMOWICZ, WILLIAM JOSEPH

ART UNIT	PAPER NUMBER
----------	--------------

2652

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE**

**U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER
----------

ART UNIT	PAPER
----------	-------

09082004

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner for Patents

See attachments.

*WJK*

William J. Klimowicz  
Primary Examiner  
Art Unit: 2652

***Non-Responsive Reply by Applicant to the Previous Election/Restriction Requirement***

\The reply filed on June 18, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The Applicant, while indicating an election of Group I (corresponding to claims 1-10), has failed to elect a Species as set forth in the restriction requirement mailed May 18, 2004. More concretely, as copied from the original restriction requirement, *infra*, the Applicant is further required to elect among the following Species of invention (in addition to the election of one of the previously identified Groupings):

***Election of Species Requirement***

This application contains claims directed to the following patentably distinct species of the claimed invention:

**Carrier Species**

- Specie I.      Figures 5 and 6A.
- Specie II.     Figures 6B and 6C.

**Fixturing Assembly Species**

- Species I'.    Figures 7-8B.
- Species II'.   Figure 9.
- Species III'.   Figure 10.
- Species IV'.   Figures 11A, 11B.

Art Unit: 2652

Species V'. Figures 7-8B.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed *Carrier Species* (I or II) and to further elect a single disclosed *Fixturing Assembly Species* (I' or II' or III' or IV' or V') for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant should further identify any claims considered generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Art Unit: 2652

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### *Conclusion*

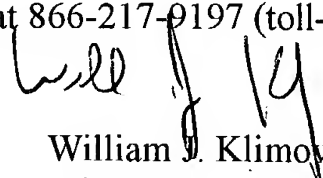
See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (703) 305-3452. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William J. Klimowicz  
Primary Examiner  
Art Unit 2652

WJK